

**Menominee Forestry Committee**  
**March 17, 2008 – 4:00 p.m.**  
**Tribal Office Board Room**

**1. Call to Order & Roll Call-**

Committee Chairman Ken Fish called the meeting to order at 4:00 p.m. Those present: Ken Fish, Myrna Warrington, Tony Waupochick, Al Pyatskowit, Walter Cox, Susan Waukau and Bobbi Caldwell. Also present: Chris Caldwell, Todd Every, Bruce Wilber Sr., Edwin Wilber, Ed Waubanasum and Sid Dodge.

**2. Moment of Silence-**A moment of silence was observed.

**3. Election of Officers-**

Chairman Ken Fish opened the floor for nominations for Committee Vice-Chairman.

**Motion made by Al Pyatskowit to nominate Tony Waupochick as committee Vice-Chairman. There was no second made. There were no other nominations. With no objections from the committee members Tony Waupochick is now the Vice-Chairman of the Menominee Forestry Committee.**

Chairman Ken Fish opened the floor for nominations for Committee Secretary.

**Motion made by Susan Waukau to nominate Myrna Warrington for Secretary. No second was made.**

**Motion made by Tony Warrington to nominate Al Pyatskowit for Secretary. No second was made.**

**Myrna Warrington declined the nomination. Since there were no other objections Al Pyatskowit is now the Secretary of the Menominee Forestry Committee.**

**4. Discuss/Action-Review of Bylaws-**

Committee members had questions as to who is supposed to be on the committee and how many members there are. Chairman Fish requested that at the next meeting the committee look over part of ordinance 95-04 Tribal Government Plan that pertains to this committee.

**Motion made by Myrna Warrington to table the Committee Bylaws until the next meeting. Motion was seconded by Tony Waupochick. All those in favor of the motion signify by saying aye, 6-for, 0-opposed. Motion carried.**

**5. Approval of Minutes Dated January 14, 2008-**

**Motion made by Tony Waupochick to approve the minutes dated January 14, 2008 with corrections. Motion was seconded by Al Pyatskowit. All those in favor of the motion signify by saying aye, 4-for, 0-opposed, 2-abstentions (Susan Waukau & Myrna Warrington). Motion carried.**

**6. Notification of Pending FSC Certification Evaluation of MTE-**

Chris Caldwell informed the committee that MTE will be undergoing an independent audit of the forest management operations. Chris believes that with MTE obtaining that certification, the Tribe should take advantage of the opportunity to provide input as a stakeholder in the process. Chris stated that he thought the following items should be submitted;

- Tribal Strategic Plan
- Smartwood Report
- Amendments to the Forest Management Plan
- Forest Management Plan Ad Hoc-community listening session thoughts & concerns.
- Tribal Ordinances 81-08 Firewood, 81-09-Burning Permit, 99-12 Cultural Resources Management Plan, 02-22-Stumpage Assessment on Tribal Forest, 05-22-Tribal Logging Practices Limitations and Ordinance 06-29-Communications Protocol.

Committee members didn't feel comfortable making a motion on the issue because they asked Chris if MTE has sent any of the above listed items to the auditor and Chris didn't know. Committee feels that Chris needs to meet with MTE to find out what if anything they have sent to the auditor.

**Motion made by Al Pyatskowit that Chris Caldwell contact the MTE Chairman, MTE President and MTE Forest Manager to discuss the documents the Tribe will be submitting to the Scientific Certification Systems auditor for the pending FSC Certification Evaluation of Menominee Tribal Enterprises. Motion was seconded by Tony Waupochick. All those in favor of the motion signify by saying aye, 6-for, 0-opposed. Motion carried.**

**Al Pyatskowit was excused at 5:30 p.m.**

**7. Constitutional Update-**

Chairman Fish informed everyone that the Bureau of Indian Affairs was sent a Resolution that was approved by the Menominee Tribal Legislature requesting a secretarial election. The request was sent about a month ago and the BIA has ninety (90) days to respond. If the request for a secretarial election is approved by

the BIA the tribal members will be voting on whether or not to separate Forestry for Mill Operations.

Chairman Fish stated that if the secretarial election happens, ALL tribal members will be eligible to vote. ALL votes will be done absentee. If the request for a Secretarial Election is approved all tribal members will be sent information and at that time if you want to vote you have to register.

#### **8. Communication Protocol/Sub-Contract Update-**

Chris Caldwell gave a brief update and informed the committee that he met with Legal Services to discuss amendments to Tribal Ordinance 06-29-Communications Protocol. Chris stated that the feeling from the meeting was to put the requirement of 06-29 into the language of the contracts between the Tribe and the BIA and the sub-contracts between the Tribe and MTE.

Chris stated that another meeting is scheduled with Legal Services to go over the sub-contracts to revise and update the language. Some of the changes will include updating the information contained in the sub-contracts; inserting the communications protocol guidelines into the contract; and other issues that may arise during review. After the revisions are put in, the sub-contracts will be brought to this committee for review and approval. Chris is hoping to have the revisions in place before the start of the federal/tribal Fiscal Year 2009.

No action was taken on the issue at this time.

Chairman Fish would like Chris to set up some time to meet with the new committee members for an orientation to go over the documents such as the Forest Management Plan, etc. and to possibly take a field trip into the woods to look at certain areas such as regeneration areas, etc. Committee members liked the idea and Chris will set it up.

#### **9. Corrective Action Plan-Forest Management Contract-**

Chris informed the committee that a Corrective Action Plan was submitted by the Tribe to the Bureau of Indian Affairs in response to non-compliance findings. The non-compliance findings have been updated in the past but no official acceptance by the Menominee Tribal Legislature has been attained. Chris included a copy of the proposed update to the Corrective Action Plan in the committee packets for review.

**Motion made by Tony Waupochick to table. Motion was seconded by Bobbi Caldwell. All those in favor of the motion signify by saying aye 5-for, 0-opposed, 1-absent. Motion carried.**

**Susan Waukau was excused at 6:00 p.m.**

**10. Amendments to Tribal Ordinance 05-22-Tribal Logging Limitations-**

Committee members would like more time to review the documents.

**Motion made by Myrna Warrington to table. Motion was seconded by Bobbi Caldwell. All those in favor of the motion signify by saying aye, 4-for, 0-opposed, 2-absent. Motion carried.**

**11. BIA Letters-**

The letters were included in the committee packets.

**A. Trust and Management agreement/Annual Determination.**

Chris stated that this letter is related to the First Nations Development Institute grant that the Department obtained to develop a tribally agreed upon reporting requirement that has 3<sup>rd</sup> party forest certification as its center. A response to this BIA letter can discuss the use of upcoming certification as the basis for the Tribe's annual determination for meeting its sustained yield mandates.

**B. Limited Trust Oversight.**

Chris stated that the Legal Services Department has put together a binder of information that pertains to correspondence within the Bureau of Indian Affairs, regarding questions on what the Trust responsibility is of the bureau to the Menominee Indian Tribe. Chris asked that Legal come to this meeting or send a memo on it but no one from Legal was present.

Chris informed the committee that there was another letter from the BIA that provided an accounting of a site visit by Midwest Regional staff and recommendations to assist the BIA in carrying out future trust responsibility efforts in regards to the Timber Harvest Administration program. Chris's recommendation is to have a response to the letter and explanation of the Timber Harvest Administration procedures be provided by MTE.

Committee discussed the letters. No action was taken.

**12. Request Updates from MTE Forestry Program- Northern Hardwood Backlog Plan & Progress and White Pine regeneration backlog Plan and Progress-**

Chris informed the committee that the last time the tribe received an update on the Northern Hardwood Backlog Plan was last year sometime.

As for the White Pine regeneration backlog plan and progress, Chris stated that the issue went before the Menominee Tribal Legislature around June or July 2007. The issue concerned the development of a Silvicultural prescription that

met ordinance 05-22 Tribal Logging Practices Limitations requirements through the use of pre-identifying backlog white pine regeneration areas in the event natural cone crops could be captured. Forestry staff also submitted a memo to its Forestry Committee for approval to remove the moratorium on first cut shelter woods. This would mean that Forestry has developed answers which satisfy the requirements of Ordinance 05-22. Chris believes if a motion is made by the Menominee Tribal Legislature a more formal and inclusive report can be obtained.

**Motion made by Myrna Warrington to request the Menominee Tribal Legislature respectfully request the MTE Board of Director's to have the Forestry Staff develop and submit a progress report (in accordance with the Forest Management Plan) on the issues of Northern Hardwood Backlog Plan and Progress and White Pine regeneration backlog plan and progress and a description of current processes employed by MTE Timber Harvest Administration to assist the Tribe in developing an annual determination. Motion was seconded by Tony Waupochick. All those in favor of the motion signify by saying aye, 4-for, 0-opposed, 2-absent.**

### **13. Other Business-**

#### **a. Casino Timber/Timber Permit Use Discussion-**

Todd Every, Director of Community Development was present and informed the committee that it is no longer an issue that this committee has to deal with. Chairman Fish stated that the issue went over to the Casino for them to take care of.

Chris Caldwell handed the committee a letter from Brett Stempa, Menominee Tribal Enterprises regarding 05-22 waiver & requesting an extension to the prescription approval for the fall/winter prescriptions for logging year 2009.

A motion was made to approve the waiver request but there was no second so the motion died.

Committee would like this to be an agenda item for the next meeting and would like Chris to provide the committee with the prescriptions.

Edwin Wilber wanted to make a comment that he feels there shouldn't be a Menominee Forestry Committee and that it should be done away with. Edwin believes that all forestry issues should go directly to the Menominee Tribal Legislature.

**14. Adjournment-**

**Motion made by Bobbi Caldwell to adjourn. Motion was seconded by Tony Waupochick. All those in favor of the motion signify by saying aye, 4-for, 0-opposed, 2-absent. Motion carried.**

**Meeting adjourned at 6:53 p.m.**

Respectfully Submitted by,  
Gigi Delabrue, Chairman's Office